

Remarks

Reconsideration of this Application is respectfully requested.

First, Applicants wish to thank the Examiner for her time and expertise during the telephonic interview of February 27, 2008. The presently cited references Yang and Florian were discussed. Examiner Ełoszway noted that she had also reviewed Gade (UK Patent Application No. GB 2 340 823 A), although this reference has not been cited.

Applicants have filed an Information Disclosure Statement concurrently with this response. The Faerch Inside newsletter shows what Applicants believe is the commercial embodiment of the Gade reference (*see* page 3). It is noted that Faerch is a Danish company and the newsletter does not state that the tray was being sold in the United States prior to April 11, 2003, which is the priority date of the present application. Applicants have seen such a tray on sale at Trader Joe's; however, the date stamp on such a product was from 2005, which is two years after the effective filing date of this application. Therefore, the Trader Joe's tray is, by definition, not prior art.

Upon entry of the foregoing amendment claims 24-60 are pending in the application, with claims 24 and 38 being the independent claims. Claims 24 and 38 are sought to be amended. Support for these amendments is found throughout the specification, and specifically at page 3, paragraph [0007] and previously filed claim 26. New claims 54-60 are sought to be added. Support for these claims is found at page 11, paragraph [0039] (claims 55-55), pages 13-14, paragraph [0043] (claim 55) and page 9, paragraphs [0033]-[0034]; and page 12, paragraph [0041]-page 13, paragraph [0042] (claim 56). Support for new claims 57-60 is found directly or through inherency throughout the specification. Claims 1-23 were previously canceled. No new matter has been added. Based upon the foregoing Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider the rejections, and that they be withdrawn.

Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected claims 24, 25, 36 and 37 under 35 U.S.C. § 102(b) as being allegedly anticipated by Yang (U.S. Patent No. 6,378,325). Applicants respectfully traverse this rejection.

The claims have been amended to read that the selective barrier is releasably secured to the body of the container. The selective barrier can be releasably secured by snapping the barrier into the at least one protrusion. Yang does not teach or suggest that the selective barrier is secured to the body of the container in any fashion. Nor does Yang teach or suggest that the selective barrier is releasably secured to the body of the container. Applicants believe that Yang does not anticipate the claimed invention, and therefore respectfully request that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

The Examiner rejected claims 26-29, 31-34, 38-41, 45, 47, 49, 51 and 52 under 35 U.S.C. § 103(a) as being allegedly obvious over Yang (U.S. Patent No. 6,378,325) in view of Florian (U.S. Patent No. 3,989,158). Applicants respectfully traverse this rejection.

The claims have been amended to read that the selective barrier is releasably secured to the body of the container. The selective barrier can be releasably secured by snapping the barrier into the at least one protrusion. Yang does not teach or suggest that the selective barrier is secured to the body of the container in any fashion. Nor does Yang teach or suggest that the selective barrier is releasably secured to the body of the container. Florian does not remedy the teachings of Yang. Florian's saucer discs are not removable, separable or detachable in any way. Applicants believe that the combination of Yang and Florian do not render the claimed invention obvious. Applicants therefore respectfully request that this rejection be withdrawn.

The Examiner rejected claims 30, 35, 42 and 43 under 35 U.S.C. § 103(a) as being allegedly obvious over Yang (U.S. Patent No. 6,378,325) in view of Florian (U.S. Patent No. 3,989,158), and further in view of Ferguson (U.S. Patent No. 6,153,237). Applicants respectfully traverse this rejection.

The claims have been amended to read that the selective barrier is releasably secured to the body of the container. The selective barrier can be releasably secured by snapping the barrier into the at least one protrusion. Yang does not teach or suggest that the selective barrier is secured to the body of the container in any fashion. Nor does Yang teach or suggest that the selective barrier is releasably secured to the body of the container. Neither Florian nor Ferguson remedy the teachings of Yang. Florian's saucer discs are not removable, separable or detachable

in any way. Ferguson teaches a barrier that merely rests upon supports, which supports are used for holding cupcakes in place. Applicants believe that the combination of Yang, Florian and Ferguson do not render the claimed invention obvious. Applicants therefore respectfully request that this rejection be withdrawn.

The Examiner rejected claim 44 under 35 U.S.C. § 103(a) as being allegedly obvious over Yang (U.S. Patent No. 6,378,325) in view of Florian (U.S. Patent No. 3,989,158), and Ferguson (U.S. Patent No. 6,153,237), and further in view of Longstreh (U.S. Patent No. 6,073,795). Applicants respectfully traverse this rejection.

The claims have been amended to read that the selective barrier is releasably secured to the body of the container. The selective barrier can be releasably secured by snapping the barrier into the at least one protrusion. Yang does not teach or suggest that the selective barrier is secured to the body of the container in any fashion. Nor does Yang teach or suggest that the selective barrier is releasably secured to the body of the container. None of Florian, Ferguson or Longstreh remedy the teachings of Yang. Florian's saucer discs are not removable, separable or detachable in any way. Ferguson teaches a barrier that simply rests upon supports, which supports are used for holding cupcakes in place. Longstreh merely teaches a lid for a container. Applicants believe that the combination of Yang, Florian, Ferguson and Longstreh do not render the claimed invention obvious. Applicants therefore respectfully request that this rejection be withdrawn.

The Examiner rejected claims 46, 48, 50 and 53 under 35 U.S.C. § 103(a) as being allegedly obvious over Yang (U.S. Patent No. 6,378,325) in view of Florian (U.S. Patent No. 3,989,158), and further in view of Longstreh (U.S. Patent No. 6,073,795). Applicants respectfully traverse this rejection.

The claims have been amended to read that the selective barrier is releasably secured to the body of the container. The selective barrier can be releasably secured by snapping the barrier into the at least one protrusion. Yang does not teach or suggest that the selective barrier is secured to the body of the container in any fashion. Nor does Yang teach or suggest that the selective barrier is releasably secured to the body of the container. Neither Florian nor Longstreh remedy the teachings of Yang. Florian's saucer discs are not removable, separable or

detachable in any way. Longstreh merely teaches a lid for a container. Applicants believe that the combination of Yang, Florian and Longstreh do not render the claimed invention obvious. Applicants therefore respectfully request that this rejection be withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn.

Applicants believe this Reply fully and completely addresses the outstanding Office Action and, as such, the present Application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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